



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

March 6, 2009

Reply To  
Attn Of: ETPA-088

Ref: 06-060-NPS

Glacier Bay National Park and Preserve  
Attn: Mary Beth Moss  
PO Box 140  
Gustavus, AK 99829

Dear Ms. Moss:

The U.S. Environmental Protection Agency has reviewed the Draft Legislative Environmental Impact Statement (DLEIS) for the **Authorization of Limited Harvest of Glaucous-Winged Gull Eggs in Glacier Bay National Park (CEQ No. 20080095)** in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures we evaluate the document's adequacy in meeting NEPA requirements.

The National Park Service (NPS) has developed this DLEIS to analyze the effects of the limited collection of glaucous-winged gull eggs within Glacier Bay National Park by Hoonah Indian Association (HIA) tribal members if legislation authorizing collection is enacted. Glacier Bay is the traditional homeland of the Huna Tlingit. This population harvested eggs at Glacier Bay gull rookeries until the 1960s when the Migratory Bird Treaty Act prohibited the harvest of gull eggs.

Tribal leaders requested that the NPS investigate ways that this practice could be reinstated in the late 1990s. Subsequent legislation {Section 4 of the Glacier Bay National Park Resource Management Act of 2000 (Pub. L. 106-455)} required the Secretary of Interior, in consultation with local residents, to determine if the limited collection of sea gull eggs could occur without impairing the biological sustainability of the population, and submit recommendations for legislation to Congress. Sea gull eggs cannot be collected absent legislation. As such, NPS commissioned appropriate studies for inclusion in this DLEIS.

Both action alternatives propose legislation authorizing the management of harvest activities under the guidelines of a harvest management plan cooperatively developed by the NPS and the HIA. NPS would conduct monitoring activities to ensure that park resources and values would not be not impacted. The Superintendent would retain the authority to close gull colonies to harvest.

We have assigned a rating of LO (Lack of Objections) to the DLEIS. This rating and a summary of our comments will be published in the *Federal Register*. A copy of the rating system used in conducting our review is enclosed for your reference.

EPA would like to commend the NPS for its inclusion of extensive monitoring and adaptive management strategies to ensure project outcomes are examined at least annually and actual harvest results are used to shape management decision into the future. The annual plan and review of the plan by both NPS and the HIA allow for adjustments that will better meet the needs of both the Park managers

and the subsistence users. EPA believes that this is good example of a proactive approach to tribal-federal species co-management. Finally, EPA supports the recommendation in the DLEIS for a three-year study of gull productivity, to include egg laying phenology, predation, and reproductive success.

We offer the following recommendations as suggestions for inclusion in the final EIS.

- We encourage NPS to consider how solid and human wastes would be minimized and managed while tribal members and Park staff are present in the harvest areas, and the potential impacts from those wastes.
- If applicable, potential impacts from hazardous wastes (i.e. fuel spills due to accidents involving the marine vessels used for access) should be considered.
- If tribal members will be expected to follow management processes outlined in the current Wilder Visitor Use Plan, this should be discussed.
- The DLEIS analysis assumes that the amount of suitable nesting habitat is expected to remain fairly constant over time. We note that there have been changes in habitat extent and location observed in recent years due to climate change. We recommend that the effects of climate change on the project be evaluated in the final LEIS.
- We also recommend that health impacts of the preferred alternative to the Huna Tlingit be discussed, as the inclusion of traditional foods in the regular diet of Alaska Natives is generally very beneficial to their physical, spiritual, and cultural well-being.
- Finally, we recommend that the final LEIS include discussion of the comments received through scoping or government-to-government consultation, including a discussion of HIA members' concerns if such comments were received or issues were identified.

If you would like to discuss these comments in detail, please feel free to contact Jennifer Curtis of my staff in the Alaska Operations Office in Anchorage at (907)271-6324 or [curtis.jennifer@epa.gov](mailto:curtis.jennifer@epa.gov).

Sincerely,

/s/

Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit

Enclosure

**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.